

### **REMARKS**

This application has been reviewed in light of the Office action dated October 5, 2004. Claims 10-22 are pending in the application. Claims 1-9 have been withdrawn pursuant to the restriction requirement. Applicant reserves the right to pursue claims 1-9 by way of a divisional application. By the present amendment, claims 10-14 and have been amended and claims 21 and 22 has been added. No new matter has been introduced. The Examiner's reconsideration of the rejection in view of the amendment and the following remarks is respectfully requested.

By the Office Action, the Examiner objected to the specification and rejected claim 16 under 35 U.S.C. §112, first paragraph as failing to comply with the enablement requirement.

The specification has been amended to include that the second member includes longitudinal grooves. This was stated in the original claims and is therefore not new matter. In addition, for example, the spine 24 may be either a first member or a second member relative to the joint being considered (spine may include the ball or the socket depending on which joint being considered). Spine 24 as shown in FIGS. 1 and 1A may include longitudinal grooves 34. Therefore, support for claim 16 is present within the specification and claims, as originally filed, for longitudinal grooves in either the first or second member or both. The Applicant has amended the specification to provide further clarification. Reconsideration is respectfully requested.

By the Office Action, the Examiner rejected claims 10-14 under 35 U.S.C. §112,

second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

The Applicant has amended claim 10-14 in a way believed to overcome the rejection. Reconsideration of the rejection is respectfully requested.

By the Office Action, claims 10-11 and 13-17 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,033,284 to Rodriguez Ferre (hereinafter Rodriguez Ferre).

Rodriguez Ferre is directed to a doll structure having ball and socket joints, but fails to disclose or suggest the protrusions as set forth in the present claims.

Present claim 10 recites, *inter alia*, a protrusion formed on the first member adjacent to the ball such that when the ball is received in the socket a rotation about a longitudinal axis of the first member is permitted while restricting an angular change between a longitudinal axis of the second member and the longitudinal axis of the first member.

The Examiner has identified the two-sphere structure 8 with an appendix 8b as teaching the protrusion of the present invention. The Applicant respectfully disagrees. Diametrical appendix 8b does not have the structural attributes to perform the function of the protrusion as recited in claim 10. Namely, appendix 8b does not provide that when the ball is received in the socket a rotation about a longitudinal axis of the first member is permitted while restricting an angular change between a longitudinal axis of the second member and the longitudinal axis of the first member. Since the appendix 8b is the second member, angular displacement between the first and second member is not restricted when the ball is received in the socket. In Rodriguez Ferre, an angular change between the first member 9 and the second

member 8 is required since the two members actually form the joint. An angular change between longitudinal axes is required.

In fact, it is apparent that the appendix 8b is merely a connection point between spheres 8a and was not contemplated as a way of restricting movement. Instead, the appendix 8b is the needed connection point to any member attached to sphere 8a. In addition, it appears from the drawings in Rodriguez Ferre that the adjacent sockets (9) are more limiting than appendix 8b could be since the sockets would engage each other in most instances before having the opportunity to engage appendix.

Therefore, Rodriguez Ferre fails to disclose or suggest the protrusion of claim 10. Namely, Rodriguez Ferre fails to disclose or suggest, *inter alia*, a protrusion formed on the first member adjacent to the ball such that when the ball is received in the socket a rotation about a longitudinal axis of the first member is permitted while restricting an angular change between a longitudinal axis of the second member and the longitudinal axis of the first member. Therefore claims 10-11, and 13-17 are believed to be in condition for allowance for at least the reasons stated. Reconsideration of the rejection is earnestly solicited.

By the Office Action, claims 10 and 12-14 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,769,681 to Greenwood, Sr. et al. (hereinafter Greenwood).

Greenwood is silent as to the function of the wall 33. It is respectfully suggested that wall 33 does not provide any limitation on the motion of socket 23A. This is evident by the curved surface provided by the wall 33, which permits the full extent of relative angular motion between ball 32 and socket 23. The cylindrical portion connected to ball 32 limits the

motion the wall 33 does not. This is supported by the fact that when the ball and socket arrangement is reversed in FIG. 8 of Greenwood the internal radius adapted by wall 33 is no longer needed since the wall 33 of the apparatus in FIG. 8 would no longer be a worry for restricting motion of the joint. It is respectfully suggested that Greenwood fails to disclose or suggest the present invention in that the wall 33 does not act as the protrusion of the present claims to restrict angular change between longitudinal axes of adjacent members. It is therefore respectfully submitted that claims 10 and 12-14 are believed to be allowable over Greenwood for at least the reasons stated.

By the Office Action, claims 18-20 stand rejected under 35 U.S.C. §103(a) as being anticipated by Rodriguez Ferre in view of U.S. Patent No. 6,074,270 to Wilcox et al. (hereinafter Wilcox).

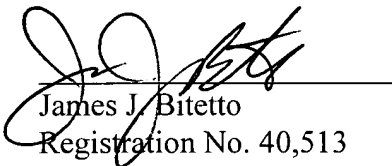
While Wilcox shows an outer covering and stuffing material, Wilcox fails to cure the deficiencies of Rodriguez Ferre as set forth above with reference to the rejections of claim 10. Claims 18-20 are believed allowable at least due to their dependency from claim 10. Therefore, it is respectfully suggested that reconsideration of the rejection be made. Early and favorable consideration is earnestly solicited.

The Applicant notes with appreciation the thoroughness of the Examiner's rejections and apologizes for any inconvenience that the typographical errors in the claims may have caused. In view of the foregoing amendments and remarks, it is respectfully submitted that all the claims now pending in the application are in condition for allowance. Early and favorable reconsideration of the case is respectfully requested.

Enclosed is a check in the amount of \$50 to cover the cost of claims 21 and 22. In the event

that any additional fees or charges are required at this time in connection with the application, they may be charged to applicant's representatives Deposit Account No. 50-1433.

Respectfully submitted,

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